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10/782,265

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EXAMINER

USTARIS, JOSEPH G

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,265	Applicant(s) DACOSTA, BEHRAM MARIO	
	Examiner JOSEPH G. USTARIS	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yen et al. (US005991799A).

Regarding claim 1, Yen et al. (Yen) discloses a method for obtaining information based on a TV program (See Fig. 1; col. 3 lines 6-9), comprising:

receiving from a head end transmitter, along with the program, closed captioning text (See Fig. 1; col. 4 lines 14-22 and 34-36);

primary words (e.g. hypertext link) within the closed captioning text as received from the head end transmitter appearing differently within the closed captioning text than remaining secondary words (e.g. regular text) when the closed captioning text is presented on a display of a TV prior to any user selection of words in the closed captioning text (See col. 8 lines 25-34, 57-61 and col. 11 lines 4-16);

permitting a user of a remote control device (132) communicating with the TV to select at least one word to establish a selected word (See col. 6 lines 31-43); and

if the selected word is a primary word, displaying a list of content related to the selected word (e.g. a primary word is selected by allowing the user to select a particular cross linked information element such as an Internet service when the cross linked

information is represented as hypertext links displayed in the closed caption text) (See col. 6 lines 44-52 and col. 11 lines 4-16).

Regarding claim 5, further comprising permitting a user to select at least one content on the list and displaying the content (e.g. a primary word is selected by allowing the user to select a particular cross linked information element such as an Internet service when the cross linked information is represented as hypertext links displayed in the closed caption text) (See col. 6 lines 44-52 and col. 11 lines 4-16).

Regarding claim 7, wherein the content is downloaded from at least one of: the Internet, and a transmitter head end, in response to the user selecting the content (See col. 5 lines 28-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US005991799A) in view of Brodsky (US005809471A).

Claim 2 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Yen does not disclose wherein the list is displayed in a picture-in-picture (PIP) window on the TV.

Brodsky discloses a television system. Brodsky discloses that a list is displayed in a PIP window on the TV (See col. 5 lines 22-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Yen to have the list displayed in a PIP window on the TV, as taught by Brodsky, in order allow the various content to be shown together (See col. 5 lines 29-31).

Regarding claim 6, wherein the content is obtained from an audio/video data storage associated with the TV (e.g. a local or remote CD-ROM) (See Brodsky col. 6 lines 12-42).

Regarding claim 8, Brodsky discloses a processor (106) associated with the TV (108) that adds content to a local data storage associated with the TV and correlating the content with other content related to the selected word (e.g. associated with the pre-fetch content associated with a particular word) (See Brodsky col. 5 line 64 – col. 6 line 11).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US005991799A) in view of Sampsell (US006496122B2).

Claim 3 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Yen does not disclose wherein the list is displayed on a display of the remote control device.

Sampsell discloses a television system. Sampsell discloses that the list is displayed on a display of the remote control device (See col. 4 lines 17-28 and col. 10

line 5 – col. 11 line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Yen to have the list displayed on a display of the remote control device, as taught by Sampsell, in order to allow the user to have multiple image display devices and associated menus without covering upon part of an image displayed on an image screen (See col. 2 lines 54-58).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US005991799A) in view of Chang (US005543851A).

Claim 4 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Yen does not disclose displaying a dictionary definition of the selected word.

Chang discloses a television system. Chang discloses that for a selected word or “secondary word” the system displays a dictionary definition of the selected word (See col. 5 lines 33-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Yen to display a dictionary definition of the selected word, as taught by Chang, in order to provide time efficient means for providing the user with the meaning of a term which appears in the closed caption text (See col. 1 lines 18-28).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US005991799A) in view of Encyclopedia Britannica Online article.

Claim 9 contains the limitations of claim 7 and is analyzed as previously discussed with respect to that claim. However, Yen does not disclose billing the user for downloading the content.

Encyclopedia Britannica Online article discloses a service provided to users. Encyclopedia Britannica Online article discloses billing the user for downloading the content (e.g. subscription to access the online encyclopedia). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Yen to bill the user for downloading the content, as taught by Encyclopedia Britannica Online article, in order to providing another means to earn revenue for the services provided.

8. Claims 10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US20020067428A1) in view of Ivehammar (US20020015107A1).

Regarding claim 10, Thomsen discloses a system for obtaining information using a TV closed caption display (See Fig. 1), comprising:

- a TV receiving content from a source, the content including closed caption text (See paragraph 0024);

- a remote control device (140) configured for wireless communication with the TV (See paragraph 0028); and

- a data structure (See paragraphs 0048 and 0049) accessible to a computer (116) associated with at least one of: the source, and the TV (See Fig. 1), the computer retrieving from the data structure a list of content related to at least one word appearing

in the closed caption text and selected by a user manipulating the remote control device, the word appearing within the closed caption text and being selected from the closed caption text by means of the remote control device (See Figs. 3, 5, 9, and 10; paragraphs 0024-0031, 0043-0051, and 0054-0056). However, Thomsen does not disclose the word being made to flash within the closed caption text.

Ivehammar discloses a television system. Ivehammar discloses that the system can have selected words be made to flash within subtitle lines (See paragraph 0029). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Thomsen to have the word be made to flash within the closed caption text, as taught by Ivehammar, in order to differentiate selected words from ordinary words (See paragraph 0029).

Regarding claim 14, wherein the remote control device can be manipulated to select at least one content on the list for displaying the content (See Thomsen Figs. 3, 5, 9, and 10; paragraphs 0024-0031, 0043-0051, and 0054-0056).

Regarding claim 15, wherein the content is obtained from an audio/video data storage associated with the TV (See Thomsen paragraph 0049), and the computer is in the TV (See Thomsen Fig. 1).

Regarding claim 16, wherein the content is downloaded from at least one of: the Internet, and a transmitter head end, in response to the user selecting the content (See Thomsen paragraph 0056).

9. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US20020067428A1) in view of Ivehammar (US20020015107A1) as applied to claims 10 and 16 above, and further in view of Brodsky (US005809471A).

Regarding claim 11, Thomsen in view of Ivehammar does not disclose wherein the list is displayed in a picture-in-picture (PIP) window on the TV.

Brodsky discloses a television system. Brodsky discloses that a list is displayed in a PIP window on the TV (See col. 5 lines 22-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Thomsen in view of Ivehammar to have the list displayed in a PIP window on the TV, as taught by Brodsky, in order allow the various content to be shown together (See col. 5 lines 29-31).

Regarding claim 17, Brodsky discloses a processor (106) associated with the TV (108) that adds content to a local data storage associated with the TV and correlating the content with other content related to the selected word (e.g. associated with the pre-fetch content associated with a particular word) (See Brodsky col. 5 line 64 – col. 6 line 11).

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US20020067428A1) in view of Ivehammar (US20020015107A1) as applied to claim 10 above, and further in view of Sampsell (US006496122B2).

Thomsen in view of Ivehammar does not disclose wherein the list is displayed on a display of the remote control device.

Sampsell discloses a television system. Sampsell discloses that the list is displayed on a display of the remote control device (See col. 4 lines 17-28 and col. 10 line 5 – col. 11 line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Thomsen in view of Ivehammar to have the list displayed on a display of the remote control device, as taught by Sampsell, in order to allow the user to have multiple image display devices and associated menus without covering upon part of an image displayed on an image screen (See col. 2 lines 54-58).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US20020067428A1) in view of Ivehammar (US20020015107A1) as applied to claim 10 above, and further in view of Chang (US005543851A).

Thomsen in view of Ivehammar does disclose that the computer (116) transmits data to the TV to display the data (See Thomsen Fig. 1). However, Thomsen in view of Ivehammar does not disclose displaying a dictionary definition of the selected word.

Chang discloses a television system. Chang discloses that for a selected word or “secondary word” the system displays a dictionary definition of the selected word (See col. 5 lines 33-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Thomsen in view of Ivehammar to display a dictionary definition of the selected word, as taught by Chang, in order to provide time efficient means for providing the user with the meaning of a term which appears in the closed caption text (See col. 1 lines 18-28).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Okabe et al. (US20020080179A1) and Brown et al. (US20040205500A1) for their similar method of selecting words.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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